

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN

In re: **Derrick J. Mastie**

Debtor(s).

CHAPTER 13

CASE NO:

JUDGE

**14-51066**

**McIvor**

**ORDER CONFIRMING PLAN**

The Debtor(s)' Chapter 13 plan was duly served on all parties in interest. A hearing on confirmation of the plan was held after due notice to parties in interest. Objections, if any, have been resolved. The Court hereby finds that each of the requirements for confirmation of a Chapter 13 plan pursuant to 11 USC §1325(a) are met.

Therefore, IT IS HEREBY ORDERED that the Debtor(s)' Chapter 13 plan, as last amended, if at all, is confirmed.

IT IS FURTHER ORDERED that Babut Law Office, P.L.L.C., Attorney for the Debtor(s), shall file a fee application for all fees and costs.

IT IS FURTHER ORDERED that the Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and contract.

All filed claims to which an objection has not been filed are deemed allowed pursuant to 11 USC §502(a), and the Trustee is therefore ORDERED to make distributions on these claims pursuant to the terms of the Chapter 13 plan, as well as all fees due the Clerk pursuant to statute.

IT IS FURTHER ORDERED as follows: [***Only provisions checked below apply***]

- ☒ The Debtor(s)' Plan payments shall be increased to \$ 235.62 per week effective the 18th day of December, 2014.
- ☒ Capital One Auto Finance shall have a Class 5.1 claim of \$20,626.99 with 5.25% as to the 2013 Ford Focus thereon and the value and or any contractual terms of such vehicle will not be modified or the value shall not be crammed down as it is a Vehicle that was purchased within 910 days from the date of the Bankruptcy filing and only the interest rate will be modified from 13.36% to 5.25 %. In the event that Debtor fails to complete the Chapter 13 Plan and or fails to receive a Chapter 13 Discharge, Creditor shall retain its lien as pursuant to non-bankruptcy law and the any unpaid balance pursuant to the original contract terms shall remain, as required by 11 U.S.C. 1325(a)(5).
- ☒ The Trustee's right to object to the Debtor's best effort are preserved in the event the Plan is ever modified to provide less than 100 percent to unsecured creditors.

☒ The Debtor shall file amended I and J and provide current proof of income by January 15, 2015.

☒ The Second sentence of the Plan Paragraph V.D. is stricken.

**Objections Withdrawn**

For Creditor /s/ Attorney Panayiotis D. Marselis (P66572)

Capital One Auto Finance

Approved:

/s/ Lisa K. Mullen

Thomas D. DeCarlo (P65330)  
Lisa K. Mullen (P55478)  
Attorneys for Chapter 13 Trustee,  
David Wm. Ruskin

/s/ Thomas Paluchniak

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**Signed on December 23, 2014**

/s/ Marci B. McIvor

**Marci B. McIvor**  
**United States Bankruptcy Judge**